

Wednesday, May 25, 1938

No. 102

## PRESIDENT OF THE UNITED STATES.

## EXECUTIVE ORDER

RESTORING LAND TO TERRITORY OF HAWAII FOR AERONAUTICAL PURPOSES AND RESERVING LAND FOR MILITARY PURPOSES

*Territory of Hawaii*

WHEREAS it is deemed desirable and in the public interest that the land comprising the Upolu Point Military Reservation, island of Hawaii, Territory of Hawaii, be restored to the Territory of Hawaii for aeronautical purposes, and that certain other public land on the island of Hawaii, Territory of Hawaii, be reserved for military purposes:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 141, 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 443, 447, it is ordered as follows:

## I.

The following-described parcel of land comprising the Upolu Point, Military Reservation, Territory of Hawaii, is hereby restored to the possession, use, and control of the government of the Territory of Hawaii for aeronautical purposes:

Beginning at a pipe marking the southwest corner of the reservation, from which the azimuth (measured clockwise from true south) and distance to a cross on rock on the sea pali is 105°14'02", 1,488.67 feet, the position of which cross on rock, referred to the government survey triangulation station "Puu O Nale", is 23,683.1 feet north and 6,397.7 feet west.

Thence from said initial point, by true azimuths and distances, as follows:

162°16', 110.00 feet, to a point;  
252°16', 337.54 feet, to a point;  
264°15', 61.55 feet, to a point;  
354°15', 110.00 feet, to a point;  
84°15', 50.00 feet, to a point;  
72°16', 326.00 feet, to the point of beginning.

The azimuths are measured clockwise from true south. The tract described contains an area of 0.979 acre.

Provided, however, that the parcel of land hereby restored shall be available at all times and without charge therefor, for the taking off and landing of airplanes and airships of the United States, and this privilege shall include such temporary occupation and maintenance of government airplanes and airships as may be deemed necessary by competent military authority.

## II.

The following-described parcel of land, being a portion of the Upolu Airport, Opihipau and Kealahewa 3 lands, District of North Kohala, island of Hawaii, Territory of Hawaii, is hereby reserved and set apart for military purposes:

Beginning at a pipe in the boundary line between the Opihipau and Kealahewa 3 lands, the position of which pipe, referred to the government survey triangulation station "Puu O Nale", is 22,984.56 feet north and 5,922.54 feet west, as shown on government survey registered map No. 2366, and from which pipe the azimuth (measured clockwise from true south) and distance to the identical pipe marking the southwest corner of the 0.979-acre tract described above is 252°16', 1,009.2 feet.

Thence from said initial point, by true azimuths and distances, as follows:

322°15', 113.77 feet, along the boundary line between the Opihipau and Kealahewa 3 lands, to a point;  
77°30', 494.33 feet, to a point;  
167°30', 200.00 feet, to a point;  
257°30', 400.00 feet, to a point;

252°26'30", 286.75 feet, to a point;  
342°16', 100.00 feet, to a point;  
72°16', 250.00 feet, to the point of beginning.

The azimuths are measured clockwise from true south. The tract as described contains an area of 2.672 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
May 21, 1938.

[No. 7893]

[F. R. Doc. 38-1453; Filed, May 23, 1938; 2:17 p. m.]

## TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49578]

## GENERAL TERM BOND FOR ENTRY OF MERCHANDISE

ARTICLE 1253 (A) (5), CUSTOMS REGULATIONS OF 1937, AMENDED TO PROVIDE FOR PRINTED FORM OF GENERAL TERM BOND FOR ENTRY OF MERCHANDISE

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 251, Revised Statutes (U. S. C. title 19, sec. 66), and section 624 of the Tariff Act of 1930 (U. S. C. title 19, sec. 1624), article 1253 (a) (5) of the Customs Regulations of 1937 is hereby amended to read as follows:

(5) General term bond for entry of merchandise in a penalty of \$100,000, or such larger amount as may be fixed by the Commissioner of Customs. A principal desiring to execute a general term bond for entry of merchandise shall file with the collector at the principal port of entry, for transmission to the Commissioner of Customs, an application for permission to file a general term bond, which application shall be accompanied by the recommendation of the collector as to the sufficiency of the penalty, together with a statement showing the port or ports at which it is intended that entry will be made, the general character and average value of merchandise consigned to the various ports together with the estimated duties payable thereon. The bond shall be executed on customs Form 7595. Upon approval of the application the Bureau will forward to the collector of customs the required number of copies of such form for execution.

JAMES H. MOYLE,  
Commissioner of Customs.

Approved, May 19, 1938.

STEPHEN B. GIBBONS,  
Acting Secretary of the Treasury.

[F. R. Doc. 38-1457; Filed, May 24, 1938; 12:27 p. m.]

## DEPARTMENT OF COMMERCE.

Bureau of Fisheries.

## JOINT REGULATIONS OF THE SECRETARY OF THE TREASURY AND THE SECRETARY OF COMMERCE CONCERNING WHALING

Pursuant to the authority of the Whaling Treaty Act of May 1, 1936, 49 Stat. 1249 (U. S. C., Sup. III, title 16, secs. 901-915), to give effect to the Convention between the United States and certain other countries for the regulation of whaling, concluded at Geneva, September 24, 1931, signed on the part of the United States March 31, 1932, and effective January 16, 1935, we, the Secretary of the Treasury and the Secretary of Commerce, make and prescribe the following joint regulations:

ARTICLE 1. The provisions of the Convention for the regulation of whaling, the Whaling Treaty Act, and these regulations apply to all nationals, vessels, and boats of the United States in all the waters of the world, and to all persons, vessels, and boats in the United States, its territories and possessions, including the territorial waters thereof.



ART. 2. For the purposes of these regulations, baleens or whalebone whales included within the terms of the Convention for the regulation of whaling and the Whaling Treaty Act shall be deemed to include, among others, those listed below:

RIGHT WHALES	BLUE WHALES
Atlantic right whale.	Blue whale.
Arctic right whale.	Sibbald's rorqual.
Biscayan right whale.	Sulphurbottom.
Bowhead.	
Great polar whale.	FIN WHALES
Greenland right whale.	Common fin back.
Greenland whale.	Common finner.
Nordkaper.	Common rorqual.
North Atlantic right whale.	Finback.
North Cape whale.	Fin whale.
Pacific right whale.	Herring whale.
Pigmy right whale.	Razorback.
Southern pigmy right whale.	True fin whale.
Southern right whale.	
GRAY WHALES	HUMPBACK WHALES
California gray.	Bunch.
Devil fish.	Humpbacks.
Hard head.	Hump whale.
Mussel digger.	Hunchbacked whale.
Gray back.	
Rip sack.	LEAST RORQUALS
	Davidson's piked whale.
	Little piked whale.
	Minke's whale.
	Sharpnosed finner.
SEI WHALES	
Bryde's whale.	
Pollock whale.	
Rudolph's whale.	

ART. 3. Calves, suckling, immature whales, or the young of any whale shall be deemed to include, among others, whales having a length, measured on the level in a straight line between the tip of the upper jaw and the notch between the flukes of the tail, less than the following dimensions:

	Feet
Blue whales	60
Fin whales	50
Humpback whales	35
Sei whales	40
Least rorquals	18
Sperm whales	35

ART. 4. Except as provided in the following article, the hunting, taking, capturing, killing, possession, sale, purchase, shipment, transportation, carriage, import, or export of any baleen or whalebone whale, or the possession, sale, purchase, shipment, transportation, carriage, import, or export of the products thereof, shall be deemed compatible with the terms of said Convention and permitted by these regulations.

ART. 5. The hunting, taking, capturing, killing, possession, sale, purchase, shipment, transportation, carriage, import, or export of any right or gray whale, or of any calf, suckling, immature whale, or the young of any whale, or of any female whale accompanied by any calf or suckling whale, or the possession, sale, purchase, shipment, transportation, carriage, import, or export of the products thereof, shall be deemed incompatible with the terms of said Convention and prohibited by these regulations, except:

(a) For scientific purposes under a special permit issued by the Secretary of Commerce: *Provided*, That, in case of each such importation or exportation of any such whale or the product of any such whale, including oil, meat, bone, meal, or fertilizer, competent evidence that the Secretary of Commerce has authorized such importation or exportation, must be presented to the Collector of Customs at the port of importation or exportation.

(b) By natives or Eskimos engaged in whaling who use only canoes or other native craft propelled by oars or sails, do not carry firearms, are not employed by others than natives or Eskimos, and are not under contract to deliver products of their whaling to any third person: *Provided*, That, in the case of each such importation or exportation, the Collector of Customs for the Customs Collection District of Alaska (No. 31) may require, and all other collectors of customs for all other customs collection districts shall require, the presentation at the port of importation or exportation of satisfactory evidence of such facts.

ART. 6. (a) Each factory ship and land station shall have an inspector of whaling on the ship or at the station who shall be an officer of the Coast Guard assigned to such duty by the Secretary of the Treasury. The owner of any factory ship or land station shall notify the Secretary of the Treasury of the date on which the ship will depart on any whaling cruise, or of the date on which the station will begin whaling operations, at such time in advance thereof as will permit an inspector of whaling to report on the ship prior to its departure, or to report at the station before it begins whaling operations.

(b) The master or person in charge of any factory ship or land station shall provide an inspector of whaling with suitable and adequate subsistence and accommodations; and for each day that such inspector is provided with subsistence and accommodations as aforesaid, he shall pay to the master or person in charge of the factory ship or land station a pro-rata share of the cost of subsisting the personnel of the factory ship or land station during the season, not to exceed one dollar per day.

(c) An inspector of whaling is authorized to be present at any whaling operations conducted by a factory ship, land station, or any vessel attached thereto; to address inquiries to the master, person in charge, members of the crew, or any other employee of any such ship, station or vessel concerning such operations; to measure any whales taken; and to inspect and examine any such whales or the parts or products thereof. This provision shall not be construed in derogation of any authority conferred upon such inspectors or any other officers of the United States by any other provision of law or regulation.

(d) An inspector of whaling shall obtain and furnish to the proper authorities such data and information as may be required pursuant to law, and also shall report as soon as practicable to such authorities the violation of any provision of the Convention or of the Act or any regulation thereof. If the violation involves the taking of any whale, such report shall state all the facts relative thereto, and the amount of oil and other products derived from any such whale.

ART. 7. (a) The master or person in charge of any factory ship or land station shall keep an accurate daily record of whaling operations including (1) the number of whales taken and the number of whales injured or killed and not recovered by the whale catchers; and also the time and place of taking, injuring, or killing such whales; (2) the species, sex, and length of each whale taken, and if any such whale contains a foetus, the length and sex, if ascertainable, of the foetus; (3) whether any whale taken was producing milk; and (4) the aggregate amounts of oil of each grade and the quantities of meal, fertilizer and other products derived from whales taken; and also shall forward a report containing the foregoing data to the Commissioner of the Bureau of Fisheries within three months after the close of each whaling season. The master or person in charge of any factory ship or land station shall have available in his possession copies of the contracts of the gunners and members of the crew of such ship or station or any whale catcher attached thereto, and also an accurate account showing the monthly pay of such persons and the factors upon which such pay is based.

(b) The master or person in charge of any factory ship or land station shall permit any officer authorized to enforce the provisions of the Convention or of the Act or any regulation thereof, to examine and inspect any such record, contract or account and to make copies thereof, or excerpts therefrom at any time; shall furnish any such officer with such other data or information as may be required by the Secretary of the Treasury or the Secretary of Commerce pursuant to the provisions of the Act; and shall render all possible assistance to, and fully cooperate with, any such officer.

ART. 8. Nothing in these regulations shall be construed as applying to dolphins or porpoises, or permitting any act contrary to the laws and regulations of any State or Territory made for the purpose of giving further protection to whales when such laws and regulations are not inconsistent with the Convention or the Whaling Treaty Act.



ART. 9. The Whaling Treaty Act and any regulations made pursuant thereto shall be posted in a conspicuous and accessible place on each factory ship and at each land station.

ART. 10. The joint regulations approved October 9, 1936, issued pursuant to the authority of the Whaling Treaty Act, are hereby superseded.

DANIEL C. ROPER,  
*Secretary of Commerce.*  
STEPHEN B. GIBBONS,  
*Acting Secretary of the Treasury.*

Approved, May 18, 1938.

FRANKLIN D. ROOSEVELT  
*The President.*

[F. R. Doc. 38-1458; Filed, May 24, 1938; 12:27 p. m.]

#### Bureau of Marine Inspection and Navigation.

REGULATIONS TO PROMOTE SAFETY OF LIFE DURING THE INTER-COLLEGIATE REGATTA AT Poughkeepsie, New York, ON JUNE 27, 1938

The following regulations are hereby prescribed under authority of the Act of April 28, 1908 (35 Stat. 69):

On the day of the regatta all visiting yachts and excursion boats will be given positions to the eastward of the established easterly line of the course in the order of arrival and application. Small yachts and boats will be given positions in front of the larger craft. No vessels will be allowed to anchor to the westward of the course or within 100 yards up stream or down stream from the finish line on either side of course.

All visiting vessels must be anchored in their assigned positions one hour before the start of the first race, and thereafter until the finish of the last race of the day no vessel will be allowed on the course excepting the steward's boat, the launches of the competing crews, and other official boats.

No vessel shall pass up or down the river during the progress of the races. A succession of sharp, short whistles from the United States vessel patrolling the course shall serve as a signal for vessels to stop. Pilots of vessels shall stop when directed to do so by the United States officer in charge.

No vessel will be allowed to make fast to the judges' boat at the finish line, excepting boats carrying telephone or telegraph cables and the steward's dispatch boat.

Prior to the alignment of the crews on the starting line, all vessels entitled to follow excepting the steward's boat shall take their places to the eastward of the course and shall not be permitted to run ahead of the steward's boat or any crew continuing in the race.

No vessel or boat of any description shall pass over the course until fifteen minutes after the conclusion of the last race, and then with due regard for the safety of competing crews returning to their training quarters over the course.

The above regulations will be enforced subject to the discretion of the United States officer in charge.

[SEAL]

J. M. JOHNSON,  
*Acting Secretary of Commerce.*

Approved, May 24, 1938.

[F. R. Doc. 38-1462; Filed, May 24, 1938; 12:37 p. m.]

#### REGULATION OF MOTOR BOATS

Pursuant to the authority contained in Section 8 of the Motor Boat Act of June 9, 1910 (36 Stat. 463; 46 U. S. C. 518), the regulations prescribed in Department Circular 236 issued December 1, 1936, are hereby amended to read as follows:

##### REGULATIONS

1. All violations of the above act detected by enforcement officers other than collectors of customs must be reported directly to the Department of Commerce (Bureau of Marine Inspection and Navigation) regardless of mitigating circum-

stances, as authority to mitigate and remit the penalties under the laws mentioned is vested solely in the Secretary of Commerce. Such reports must be forwarded to the Bureau of Marine Inspection and Navigation in triplicate. The use of the report forms heretofore used in making such reports to collectors of customs is authorized.

2. The act defines the words "motor boat" (i. e., the class of vessels subject to its requirements) as including every vessel propelled by machinery and not more than 65 feet in length, except tugboats and towboats propelled by steam. The term, therefore, includes boats temporarily or permanently equipped with detachable motors, and such vessels, when so equipped, are subject to this act.

##### Lights

3. The lights provided for in section 3 of the act above are running lights for motor boats subject to the provisions of the act in lieu of the lights prescribed, respectively, by article 2 of the act approved June 7, 1897 (covering certain harbors, rivers, and inland waters of the United States), rule 3 of the act approved February 8, 1895 (covering the Great Lakes and their connecting and tributary waters); and rules 3, 5, 6, and 7 of section 4233 of the Revised Statutes (covering western rivers). These running lights must be carried on all motor boats when underway on navigable waters of the United States not on the high seas in all weathers from sunset to sunrise. The penalty for failure to carry such lights is a fine not exceeding \$100. Motor boats when on the high seas must exhibit the lights prescribed by the International Rules of 1890.

4. The lights provided for in section 3 are not in conflict with the anchor lights, and additional lights for pilot, towing, and fishing vessels, provided in the acts above cited.

Collectors of customs and others will observe that the penalty for violations of existing laws not in conflict with this act remain unchanged.

5. Motor boats of class 1 must carry the two-color combination light and the white stern light required by section 3 (a) of the act. The use of separate red and green side lights in lieu of the combination red and green light is prohibited.

The length of the light screens on motor boats of classes 2 and 3 is to be measured from the forward edge of the side light to the forward end of the light screen.

6. No penalty is incurred by motor boats for a failure to carry lights between the hours of sunrise and sunset.

7. If a motor boat, through temporary disablement of the machinery or lack of gasoline, or for any other reason, finds it necessary to proceed under sail, in whole or in part, the white lights should be extinguished and she should proceed with her colored lights only. This does not convert a motor boat into a sailboat, however, and all other motor boat equipment should be carried.

8. The aft light should be higher and so placed as to form a range with the forward light and should be clear of house, awnings, and other obstructions. It should be as near the stern as practicable.

9. The law does not specify the size of lights to be carried on motor boats of class 1. Such lights should be large enough however, to accomplish the purpose intended, and it is suggested that the illuminated portion of such lights or lenses should not be less than 3 inches in diameter.

##### Whistle, Fog Horn, and Bell

10. No size or style of whistle, fog horn, or bell (except the bell for class 3) is prescribed, provided it is available and sufficient for the use for which it is intended. The word "efficient" must be taken in its ordinary sense, considered with reference to the object intended by the provisions in which the word appears, namely, the production of certain signals.

11. A mouth whistle capable of producing a blast of two seconds or more in duration, which can be heard for at least one-half a mile, has been held to be in compliance with the law. An electric horn, or other sound-producing mechanical appliance, capable of producing a blast of two



seconds or more in duration, which can be heard for at least one-half a mile, may be used in lieu of a whistle.

12. Fog horns can not take the place of whistles on motor boats of classes 2 and 3.

***Life Preservers and Life-Saving Devices on Motor Boats and All Vessels Propelled by Machinery Other Than by Steam More Than 65 Feet in Length Not Carrying Passengers for Hire***

13. Every motor boat and all vessels propelled by machinery other than by steam more than 65 feet in length not carrying passengers for hire, must have life preservers, or life belts, or buoyant cushions, or ring buoys, or other devices in sufficient numbers to provide one for each person on board. This includes members of the crew, children, and babies. No such life preserver, life belt, buoyant cushion, ring buoy, or other device is approved for more than one person each.

The Department authorizes life preservers, life belts, buoyant cushions, and ring buoys for motor boats and all vessels propelled by machinery other than by steam more than 65 feet in length not carrying passengers for hire under the following conditions: Each such device shall be capable of sustaining afloat for a continuous period of 24 hours an attached weight so arranged that whether the said weight is submerged or not there shall be a direct downward gravitational pull upon such device of at least 20 pounds. Each such device must either be approved by the Board of Supervising Inspectors, or it must have attached a tag on which is stated the name and address of the manufacturer, the weight and contents of the device, and that it complies with the requirements of section 5 of the Act of June 9, 1910, for motor boats not carrying passengers for hire. Every such device must have at least two strong straps securely attached to it in such a manner that they will not break or be torn loose under ordinary conditions, of sufficient length and so arranged that they may be slipped over the arms of the wearer to the shoulders. This section shall not apply to sea-going vessels of 300 gross tons and over, propelled in whole or in part by internal-combustion engines.

No such life preservers, life belts, buoyant cushions, ring buoys, or other device stuffed or filled with granulated cork or other loose granulated material, and no pneumatic life preservers, life belts, buoyant cushions, ring buoys, or other device will be approved.

Planks, gratings, floorings, oars, corks on fish nets, empty kegs or casks, wooden boxes, boats in tow, etc., are not approved as substitutes for life preservers, life belts, buoyant cushions, or ring buoys, but wooden life floats made of light buoyant wood may be used on motor boats navigating not more than three miles offshore and not carrying passengers for hire. The dimensions of every such wooden life float shall be not less than 4 feet in length, 12 inches in width, and 1¾ inches in thickness, and the weight shall not exceed 25 pounds. The float may be made in one or two pieces. If made in two pieces, they shall be securely attached together with wooden dowels. No metal shall be used in the construction of the float. It shall be provided with two hand-holes, one at each side, midway in the length, which hand-holes shall be not less than 6 inches in length and 2 inches in width, with a margin of at least 1 inch at the edge of the float. Wooden life floats made of balsa wood shall not be less than 3 feet in length, 11½ inches in width, and 2 inches in thickness. The balsa wood used in the construction of such floats shall be of the same quality as required for balsa wood life preservers. Each two-piece float, in addition to the dowsing, shall be securely glued and the dowels shall be four in number of ¾ inch diameter, made of straight-grained dry hardwood, driven through and entirely across the float through holes bored to slightly less diameter than the dowel. Life floats already installed on motor boats and constructed in accordance with previous regulations may continue to be used.

***On Motor Boats Carrying Passengers for Hire***

Motor boats carrying passengers for hire shall carry one life preserver of the sort prescribed by the Board of Super-

vising Inspectors for every person carried, and the person in charge must be duly licensed.

Motor boats hired at launch liveryies and operated by the liveryman or his employee are construed as carrying passengers for hire; but if the motor boat is operated by the hirer himself, it is not considered a carriage of passengers for hire even though he may take other persons on board, provided, of course, he does not receive compensation for carrying these other persons.

***Fire Extinguishing Apparatus***

14. Fire extinguishers of a type which have demonstrated their ability to "promptly and effectually extinguish burning gasoline" must be carried on all motor boats when being navigated. Extinguishers of the carbon dioxide, carbon tetrachloride, and foam types have demonstrated their capacity for promptly and effectually extinguishing burning gasoline. Extinguishers of any of these types, which are full and in working condition, and which are of sufficient size to be effective, may be considered as being in compliance with the law. Neither soda and acid type extinguishers, sand, nor salt and sand, have been found to be capable of promptly and effectually extinguishing burning gasoline.

***Licensed Officers and Inspection***

15. In lieu of the inspection of steam vessels now provided by sections 4417, 4418, and 4426, Revised Statutes, it is now required that, after due inspection or personal observation, the design of the engine, boiler, or other operating machinery of motor boats more than 40 feet in length and not more than 65 feet in length, propelled by machinery driven by steam, shall be approved by the local inspectors.

All steam vessels more than 65 feet in length are subject to inspection as heretofore.

Motor boats propelled otherwise than by steam of above 15 gross tons carrying freight or passengers for hire, but not engaged in fishing as a regular business, are subject to inspection whether under or over 65 feet in length.

The only officer required to be carried on motor boats within the contemplation of the act of June 9, 1910, is the licensed operator provided for in the act.

***Documents and Name***

16. All motor boats of 16 gross tons or over used exclusively for pleasure should be documented as yachts; all motor boats of 5 net tons or over engaged in trade must be documented—i. e., licensed by the Collectors of Customs. Vessels under 5 net tons are not registered, enrolled, or licensed in any case. The license of the vessel obtained from the Collector of Customs (designated a document) is additional to and must not be confounded with the license required for the operator of a motor boat.

All vessels, registered, enrolled, or licensed, except yachts, must have name and home port on stern and name on each bow. Documented yachts must have name and home port conspicuously placed on the hull. Tonnage measurement is necessary only in case of vessels required to be registered, enrolled, or licensed.

17. Motor boats are required to have on board two copies of the pilot rules to be observed by them, which will be furnished by collectors of customs and local inspectors, Bureau of Marine Inspection and Navigation, on request. Copies of this circular should be inserted therein.

***Tabulated statement of equipment required  
CARRYING PASSENGERS FOR HIRE***

	Sec. 3	Sec. 4	Sec. 5	Sec. 6
Class 1.....	Combination light forward. White light aft.	Whistle.....	Life preservers. Licensed operator.	Fire extinguishing apparatus.
Class 2.....	White lights forward and aft and colored sidelights, all with Fresnel or fluted lenses.	Whistle, bell, and fog horn.	Same as class 1.	Same as class 1.
Class 3.....	Same as class 2.....	Same as class 2.	Same as class 1.	Same as class 1.



*Tabulated statement of equipment required—Continued*  
NOT CARRYING PASSENGERS FOR HIRE

Class 1.....	Combination light forward. White light aft.	Whistle.....	Life preservers or life-saving devices prescribed by act.	Fire extinguishing apparatus.
Class 2.....	Whitelights forward and aft and colored sidelights, all with fresnel or fluted lenses.	Whistle, bell, and fog horn.	Same as class 1.	Same as class 1.
Class 3.....	Same as class 2.	Same as class 2.	Same as class 1.	Same as class 1.

[SEAL]

J. M. JOHNSON,  
Acting Secretary of Commerce.

[F. R. Doc. 38-1463; Filed, May 24, 1938; 12:37 p. m.]

## COMMODITY CREDIT CORPORATION.

[C. C. C. Wool Form 1 Instructions 1938]

## INSTRUCTIONS CONCERNING THE MAKING OF LOANS BY COMMODITY CREDIT CORPORATION ON THE SECURITY OF WOOL OR MOHAIR REPRESENTED BY WAREHOUSE RECEIPTS—1938

Commodity Credit Corporation has authorized the making of loans and the purchase of eligible paper secured by the pledge of wool or mohair warehouse receipts. These instructions state the requirements of Commodity Credit Corporation with reference to making such loans and the purchase of such paper.

1. *Definitions.*—As used in these instructions, unless the context otherwise requires, the following terms will be construed respectively to mean:

(a) *Producer.*—Any person, partnership, association, or corporation producing wool or mohair.

(b) *Wool pool.*—Any informal pool organized by and consisting of two or more producers of wool or mohair which is represented by a bank or trust company or agricultural or livestock credit corporation acting as a borrowing representative or agent for such producers, pursuant to Producer's Authority to Pool (1938 C. C. C. Wool Form G).

(c) *Eligible wool.*—Wool or mohair produced in 1937 or 1938, the beneficial title to which is and always has been in the producer.

(d) *Lending agency.*—Any bank, cooperative marketing association, or other corporation, partnership, association, or person making loans on 1938 C. C. C. Wool Form A, B, or C, or holding notes on these forms evidencing such loans. (A Loan Agency of the Reconstruction Finance Corporation is not included within this definition.)

(e) *Eligible paper.*—Notes on 1938 C. C. C. Wool Forms A, B, or C or any form hereinafter approved by Commodity Credit Corporation dated subsequent to April 15, 1938, and on or before October 31, 1938, and executed in accordance with these instructions with State documentary revenue stamps affixed thereto when required by law. (Notes executed by an administrator, executor, or trustee will be acceptable only where valid in law, and all such notes must be submitted for direct loans in accordance with section 9 hereof.)

2. *Forms.*—The following forms are available for use in connection with loans made or eligible paper purchased by Commodity Credit Corporation:

(a) Wool Producer's Note (1938 C. C. C. Wool Form A).

(b) Wool Pool Note (1938 C. C. C. Wool Form B).

(c) Collateral Note for Cooperative (1938 C. C. C. Wool Form C).

(d) Appraiser's Certificate to be executed by appraisers of Commodity Credit Corporation (1938 C. C. C. Wool Form D).

(e) Producer's Letter of Transmittal (1938 C. C. C. Wool Form E).

(f) Lending Agency's Letter of Transmittal (1938 C. C. C. Wool Form F).

(g) Producer's Authority to Pool (1938 C. C. C. Wool Form G).

(h) Contract to Purchase (1938 C. C. C. Wool Form H).

(i) Schedule of Repayments (1938 C. C. C. Wool Form J).

3. *Wool loan basis.*—Following are the classifications and scoured or clean wool values of wool in Boston which form the basis for determining the amounts to be loaned against grease wool of comparable grades:

Classification	Value scoured or clean wool (cents per pound)
<b>Fine Wool:</b>	
Class 1.—Very choice wool.....	53
(a) Delaine.	
(b) Graded territory combing (strictly staple).	
Class 2.—Choice wool.....	57
(a) Choice 12 months' Texas, including original bags bulk: combing length.	
(b) Graded territory; choice French combing length, including some staple.	
(c) Original bag territory; bulk: staple length, including some French combing.	
Class 3.—Average to good wool.....	56
(a) 12 months' Texas, including original bags.	
(b) Graded territory; French combing length.	
(c) Original bag territory; good French combing length.	
Class 4.—Fair to average wool.....	54
(a) 12 months' Texas, including original bags.	
(b) Graded territory; short to average French combing length.	
(c) Original bag territory; average French combing length.	
Class 5.—Poor and inferior.....	50
(a) Original bag bulk clothing and some stubby.	
(b) Graded clothing and stubby mixed.	
<b>Half-Blood Wool:</b>	
Class 6.....	52
(a) Graded territory; strictly staple length.	
Class 7.....	51
(a) Graded territory; average combing length.	
(b) Original bag territory; mostly half-blood, may include some three-eighths or some fine.	
(c) Graded territory clothing.	
<b>Three-Eighths-Blood Wool:</b>	
Class 8.....	48
(a) Graded territory.	
<b>Quarter-Blood Wool:</b>	
Class 9.....	44
(a) Graded territory.	
Class 10.—Low quarter-blood—common and braid.....	35
Class 11.—Rejects.....	20
(a) Burry and cedy wools.	
(b) Black.	
(c) Cots.	
(d) Fine bucks.	
(e) Dead (not Murray).	
(f) Navaho.	
(g) Karakul.	

Appraisers for Commodity Credit Corporation will determine the shrink and classification and compute the loan value of the wool. As to wool stored at points other than Boston, appraisers for Commodity Credit Corporation, in computing the loan value of the wool, will also make appropriate allowance for rail transportation to Boston. For Texas clips other than 12 months', the appraiser will reduce the value in the classification by the customary trade differential. A deduction of 5 cents per clean pound will be made by appraisers for all fleece wool and for wool produced in central and southern California and 2 cents per clean pound for wool produced in northern California. A deduction of 20 cents per bag will be made by the appraisers for an appraisal charge on each loan secured by warehouse receipts representing original bag wool which can be readily sold in such original bags of 5,000 pounds or more and/or on grading wools, whether fleece or territory, of 25,000 pounds or more. An additional charge of 20 cents per bag will be deducted from each loan secured by lesser quantities of wool. On wool which is graded and piled in the warehouses, the appraiser will deduct, as the appraisal charge, 20 cents for each 400 pounds or fraction thereof.



3a. *Mohair loan basis.*—Following are the classifications and grease mohair values:

Classification—Point of storage:	Cents per pound
Kid—Texas and Boston	30
Adult—Texas and Boston	20
Kid—All other points	29
Adult—All other points	19

Appraisers for Commodity Credit Corporation will determine the classification and compute the loan value of the mohair. A deduction of 20 cents per bag will be made by appraisers as an appraisal charge, provided that for lots of less than 5,000 pounds 40 cents per bag will be deducted.

3b. *Maturity and interest rate.*—The loans will mature 10 months from date or May 31, 1939, whichever is earlier, and will bear 4 percent interest.

4. *Cooperative association.*—Any producer who is a member of a cooperative marketing association may negotiate loans through such an association. Cooperative marketing associations meeting the requirements of the Capper-Volstead Act may arrange to secure funds from Commodity Credit Corporation necessary to enable such associations to make loans or advances to their members or member associations.

5. *Warehouses.*—Commodity Credit Corporation will accept only negotiable insured warehouse receipts covering wool or mohair pledged as collateral to notes on 1938 C. C. C. Wool Forms A, B, or C issued by any public warehouse approved by the Loan Agency of the Reconstruction Finance Corporation serving the district in which such warehouse is located. Warehousemen are advised to communicate with the Loan Agency of the Reconstruction Finance Corporation concerning approval. Each approved warehouse must enter into an agreement with the Commodity Credit Corporation which may be obtained from the Loan Agency. This agreement will limit the warehouseman's lien and define his obligations to Commodity Credit Corporation. All wool and mohair pledged as security for a note must be in the same warehouse. A list of the approved warehouses and their locations will be available at any Loan Agency of the Reconstruction Finance Corporation listed in section 14 hereof.

6. *Warehouse receipts.*—Only negotiable, insured warehouse receipts dated on or prior to the date of the related note and properly assigned by an endorsement in blank so as to vest title in the holder, or issued to bearer, executed by warehousemen who are not owners of the wool or mohair, will be acceptable. The insurance furnished by the warehouseman must cover fire, lightning, and windstorm. Such receipts must set out in their written or printed terms a description by lot number, weight of the wool or mohair, and the number of bags represented thereby, or description of graded pile, and all other facts and statements required to be stated in the written or printed terms of a negotiable warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act.

7. *Appraisers.*—Commodity Credit Corporation will employ appraisers who will be available from time to time at the approved warehouses for the examination and appraisal of pledged wool or mohair. Producers or wool pools or cooperatives desiring to have their wool or mohair appraised should so advise the warehouseman, who will make the necessary arrangements with the appraisers when the warehouse receipts are issued. After examining the wool or mohair the appraiser will issue an appraisal certificate on 1938 C. C. C. Wool Form D, of which two copies will be attached to the warehouse receipts and delivered to the producer or the wool pool or cooperative or order. The original appraiser's certificate and warehouse receipts must accompany the related note.

8. *Preparation of documents.*—A producer or wool pool desiring a loan upon eligible wool or mohair may obtain the necessary forms from the Loan Agencies of the Reconstruction Finance Corporation listed in section 14 of these instructions. Such forms may also be obtained from Commodity Credit Corporation, Washington, D. C. The forms are identified, and no reprints or substitutes may be used.

All blanks in both the note and loan agreement must be

filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and no documents containing additions, alterations, or erasures will be accepted by Commodity Credit Corporation. Only the white copy of the note and loan agreement marked "original" is to be executed; the colored copy marked "duplicate" is to be retained by the producer.

9. *Direct loans.*—It is contemplated that producers will ordinarily arrange for loans through local banks or other lending agencies, which, in turn, may sell the eligible paper evidencing such loans to Commodity Credit Corporation. Arrangements, however, have been made for making direct loans to producers on or before October 31, 1938. In the case of direct loans the notes must be made payable to Commodity Credit Corporation and must be tendered to the Loan Agency of the Reconstruction Finance Corporation serving the district in which the wool or mohair is stored, accompanied by a Producer's Letter of Transmittal (1938 C. C. C. Wool Form E), in duplicate, postmarked not later than midnight of October 31, 1938, if tendered by mail. Upon delivery of all necessary documents properly executed and upon their approval, payment will be made in accordance with the directions of the producer contained in said 1938 C. C. C. Wool Form E. When the Letter of Transmittal and documents are presented by the producer in person, the certificate printed at the bottom of the letter need not be executed, provided the producer can furnish evidence satisfactory to the Loan Agency as to his identity.

10. *Wool pools.*—Producers may join with other producers to form informal wool pools for the purpose of obtaining loans from Commodity Credit Corporation. In this connection assistance may be obtained from county extension agents or other governmental representatives. The representative of such informal pools must obtain authority from the producers for the pooling of the wool or mohair and the pledging thereof to Commodity Credit Corporation on a Producer's Authority to Pool, 1938 C. C. C. Wool Form G. Under this arrangement the representative will execute the note evidencing the advance and pledging the wool or mohair without further liability on the part of such representative to Commodity Credit Corporation, except in the case of fraud or misrepresentation. Banks or agricultural or livestock credit corporations may act as representatives of wool pools. Such notes may be made payable to Commodity Credit Corporation and submitted immediately with a Lending Agency's Letter of Transmittal (1938 C. C. C. Wool Form H) in which case no allowance for interest will be made by Commodity Credit Corporation. However, if the representative of the wool pool has executed a Contract to Purchase (1938 C. C. C. Wool Form H), allowance will be made by Commodity Credit Corporation for the interest from the date of the note.

11. *Lending agencies.*—Commodity Credit Corporation will purchase eligible paper as above defined only from lending agencies which have executed and delivered to the Loan Agency of the Reconstruction Finance Corporation serving the district in which the pledged wool or mohair is stored, a Contract to Purchase (1938 C. C. C. Wool Form H) obtainable only from Loan Agencies. Such eligible paper must be tendered to the proper Loan Agency for purchase prior to February 1, 1939. The purchase price for such eligible paper will be the face amount of the notes, plus interest thereon at the rate of two and one-half percent (2½%) per annum from the respective dates of such notes to the date of purchase. In this connection the representative of a wool pool or pools may carry under the terms of the Contract to Purchase, the notes which it has executed. Under the terms of the Contract to Purchase, lending agencies are required to report on 1938 C. C. C. Wool Form J all payments or collections on notes held by them, and to remit promptly to Commodity Credit Corporation, Washington, D. C., an amount equivalent to 1½ percent per annum interest on the principal amount collected from the respective dates of the notes to the date of payment. Notes on 1938 C. C. C. Wool Form A, B, or C may be endorsed without recourse by lending agencies tendering same.



Care should be exercised by the lending agency to determine the genuineness of the signatures to such notes and loan agreements, and that the warehouse receipts are genuine and represent merchantable wool or mohair in existence. No provision is made for any deduction from the loan proceeds as a charge for handling the loan documents. Lending agencies must complete the "Advice of Loan" slip appended to the loan agreement, detach and mail same to Commodity Credit Corporation, Washington, D. C., at the time such notes are executed. The Advice of Loan and also the Schedule of Repayments (1938 C. C. C. Wool Form J) must be filled in with ink, indelible pencil, or typewriter.

12. *Liens*.—All wool or mohair tendered to Commodity Credit Corporation as security to notes on 1938 C. C. C. Wool Form A must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in the Loan Agreement. The names of the holders of all existing liens on the pledged wool or mohair (but not warehousemen) must be listed in the space provided therefor in paragraph 2 of the loan agreement. A misrepresentation as to prior liens, or otherwise, will render the producer personally liable under the terms of the loan agreement (1938 C. C. C. Wool Form A) and subject to criminal prosecution under the provisions of section 16 (a) of the Reconstruction Finance Corporation Act, as amended, which section is printed at the end of the loan agreement. The waiver and consent to the pledge of the wool or mohair and the payment of the proceeds of the loan and the proceeds of the sale of the wool or mohair solely to the producer as contained in paragraph 2 of the loan agreement must be signed personally by all lienholders listed or by their agents, whose duly executed authority must be attached firmly; or, if corporations, by the designated officer thereof customarily authorized to execute such instruments, in which case the duly executed authority need not be attached. Notes in which the waiver and consent to pledge, as contained in paragraph 2 of the Loan Agreement, are not signed by all prior lienholders listed by the producer, will not be acceptable to Commodity Credit Corporation. The producer may direct in the Letter of Transmittal (1938 C. C. C. Wool Form E) that the proceeds check for a direct loan from Commodity Credit Corporation be made payable to him and/or such other person or concern as he may direct thereon.

All wool or mohair pledged to secure wool pool notes on 1938 C. C. C. Wool Form B must likewise be free and clear of all liens. The financial institution executing the note is required to state that each producer participating in the pool has represented and agreed that the wool or mohair delivered by him is free and clear of liens, and the bank must be satisfied as to the power of any lienholders listed by such producers to waive liens and consent to the pledge.

13. *Insurance*.—Holders of notes desiring insurance coverage in addition to the insurance coverage provided by warehousemen should obtain such coverage at their own expense. Commodity Credit Corporation will make no allowance for insurance in purchasing eligible paper.

14. *Loan agencies of the Reconstruction Finance Corporation*.—The location of the Loan Agencies of the Reconstruction Finance Corporation previously referred to herein and the districts served by them are shown below:

<i>Loan agency</i>	<i>District served</i>
Atlanta.....	All cities in 6th Federal Reserve District.
Boston.....	All cities in 1st Federal Reserve District.
Chicago.....	All cities in 7th Federal Reserve District.
Houston.....	All cities in 11th Federal Reserve District attached to Houston.
Kansas City.....	All cities in 10th Federal Reserve District not attached to Omaha.
Los Angeles.....	All cities in 12th Federal Reserve District attached to Los Angeles.
Louisville.....	All cities in 4th Federal Reserve District and cities in 8th Federal Reserve District attached to Louisville.
Minneapolis.....	All cities in 9th Federal Reserve District.
New York.....	All cities in 2d Federal Reserve District.
Omaha.....	All cities in 10th Federal Reserve District attached to Omaha.
Philadelphia.....	All cities in 3d Federal Reserve District.

<i>Loan agency</i>	<i>District served</i>
Portland.....	All cities in 12th Federal Reserve District attached to Spokane, Seattle, and Portland.
Richmond.....	All cities in 5th Federal Reserve District.
San Antonio.....	All cities in 11th Federal Reserve District except those attached to Houston.
San Francisco.....	All cities in 12th Federal Reserve District attached to San Francisco.
St. Louis.....	All cities in 8th Federal Reserve District except those attached to Louisville.

15. *Release of collateral*.—If the producer's or wool pool's notes was made payable to Commodity Credit Corporation and it is desired to obtain the return of the note and the release of the collateral upon payment, the Federal Reserve bank or branch thereof serving the district in which the wool or mohair is stored should be notified. If note was made payable to a payee other than Commodity Credit Corporation, the producer or representative of the wool pool should notify the payee named therein. Warehouse receipts representing wool or mohair held by Commodity Credit Corporation will be released by the Federal Reserve bank or branch thereof holding the receipts, upon the payment of the amount of the loan, the accrued interest, and proper charges. No partial releases will be permitted. Upon written request of the producer or the lending agency, the note and warehouse receipts will be forwarded to an approved bank, to be released to the producer or his agent or the representative of the wool pool against payment. Where receipts are transmitted to a bank they will be sent with a request to return them to the sender if payment and release are not effected within 15 days. All charges and expenses of the collecting bank are to be paid by the producer or representative of the wool pool.

[F. R. Doc. 38-1455; Filed, May 24, 1938; 9:34 a. m.]

## FEDERAL TRADE COMMISSION.

### *United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of May, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3024]

IN THE MATTER OF TARPON SPRINGS SPONGE EXCHANGE, INC., A CORPORATION; MARY J. BOUCHLAS, TRADING AS ROCK ISLAND SPONGE CO.; JOHN DIAMANDIS AND PETER J. CARDULIS, PARTNERS, TRADING AS DIAMANDIS AND CARDULIS; N. G. ARFARAS, AN INDIVIDUAL; SPONGE PRODUCERS' CORPORATION, A CORPORATION; CHARLES SIMEON AND CHARLES HALIPHILAS, PARTNERS, TRADING AS SIMEON AND HALIPHILAS; SPONGE FISHING COMPANY, A CORPORATION; DIAMANDIS DIAMANDIS AND CRISTOS PSILAKAS, PARTNERS, TRADING AS INDUSTRIAL FLORIDA SPONGE COMPANY; ALBERT BLOCH AND SONS, INC., A CORPORATION; D. A. ALISSANDRATOS AND NICK BESSIS, PARTNERS, TRADING AS COMMERCIAL SPONGE COMPANY; ALEC STEFANIDI, AN INDIVIDUAL; C. G. ANDRIOTES, TRADING AS C. G. ANDRIOTES & COMPANY; GEORGE S. SMITZES, JAMES SMITZES, LOUIS SMITZES, AND NICK DRIVAS, PARTNERS, TRADING AS SMITZES AND DRIVAS; EMI. MACREMARIS, AN INDIVIDUAL; NICK PHILIPPOU AND JOHN KOURERMATIS, PARTNERS, TRADING AS TROPICAL SPONGE COMPANY; SCHROEDER AND TREMAYNE, INC., A CORPORATION; JOHN FASSOL AND P. SAGIARIDES, PARTNERS, TRADING AS FASSOL AND SAGIARIDES; JAMES S. SMITZES, INC., A CORPORATION; A. L. TARAPINA, AN INDIVIDUAL; JOHN FASSOL, AN INDIVIDUAL; GEORGE CLADAKIS, AN INDIVIDUAL; W. F. FERGUSON, AN INDIVIDUAL; NIC MACREMARIS, AN INDIVIDUAL; ANASTASIOS KOTIS, AN INDIVIDUAL; DIAMANDIS LEONIS, AN INDIVIDUAL; MICHAEL GONATOS, AN INDIVIDUAL; AND VASILIO CHRISTON, AN INDIVIDUAL.

### ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the



answers of respondents, testimony and other evidence taken before Robert S. Hall, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and briefs filed herein, and oral arguments by Karl Stecher, counsel for the Commission, and by William L. Hill, counsel for the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of an Act of Congress, approved September 26, 1914, entitled, "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes":

*It is ordered,* That the respondents, Tarpon Springs Sponge Exchange, Inc., a corporation, Mary J. Bouchlas, trading as Rock Island Sponge Co., John Diamandis and Peter J. Cardulis, partners trading as Diamandis and Cardulis, N. G. Arfaras, an individual, Sponge Producers Corporation, a corporation, Charles Simeon and Charles Halipillas, partners trading as Simeon and Halipillas, Sponge Fishing Company, a corporation, Diamandis Diamandis and Cristos Psilakas, partners trading as Industrial Florida Sponge Company, Albert Bloch and Sons, Inc., a corporation, D. A. Alissandratos and Nick Bessis, partners trading as Commercial Sponge Company, Alec Stefanides, an individual, C. G. Andriotes, trading as C. G. Andriotes & Company, George S. Smitzes, James Smitzes, Louis Smitzes, and Nick Drivas, partners trading as Smitzes and Drivas, Em. Macrenaris, an individual, Nick Philippou and John Kourematis, partners trading as Tropical Sponge Company, Schroeder & Tremayne, Inc., a corporation, John Fassol and P. Saclarides, partners trading as Fassol and Saclarides, James S. Smitzes, Inc., a corporation, A. L. Tarapina, an individual, John Fassol, an individual, George Cladakis, an individual, W. F. Ferguson, an individual, Nic Macrenaris, an individual, Anastacios Kotis, an individual, Diamandis Leonis, an individual, Michael Gonatos, an individual, and Vasilio Christon, an individual, their representatives, officers, agents and employees, or any group of such respondents or their agents, either with or without the cooperation of persons not parties in this proceeding, cease and desist from uniting in a common course of action or entering into any understanding, agreement, combination, or conspiracy for the purpose or with the effect of restricting, restraining, or monopolizing, or eliminating competition in, the purchase or sale of sponges sold or intended to be sold in interstate commerce, and in furtherance of such understanding, agreement, combination, or conspiracy from doing any of the following acts and things:

1. Entering into and carrying out any understanding or agreement not to sell sponges on or through the sponge exchange operated by the respondent Tarpon Springs Sponge Exchange, Inc.
2. Entering into and carrying out any understanding or agreement not to buy sponges on or through the sponge exchange operated by the respondent Tarpon Springs Sponge Exchange, Inc.
3. Entering into and carrying out any understanding or agreement refusing to sell or buy sponges.

*Provided,* That nothing herein contained shall be construed to conflict in any manner with U. S. Code, Title 15, Chapter 13A, Sections 521 and 522.

*It is further ordered,* That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1451; Filed, May 23, 1938; 1:28 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of May, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2654]

*IN THE MATTER OF LASALLE EXTENSION UNIVERSITY*

*MODIFIED ORDER TO CEASE AND DESIST*

This proceeding having been heard by the Federal Trade Commission upon the petition of respondent to modify the order to cease and desist issued herein on May 19, 1937, and upon oral argument by counsel for respondent in support of said petition to modify heard by the Commission on March 18, 1938, and the Commission having duly considered said petition and oral argument and the record herein, and being now fully advised in the premises;

*It is ordered,* That the petition to modify the order to cease and desist issued herein be, and the same is, hereby granted, and the said order is hereby modified so as to read:

*It is ordered,* That the respondent LaSalle Extension University, its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution of correspondence courses of instruction in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

Representing, directly or indirectly, through the use of the term "Extension University" or the word "University" in its corporate name, or in any other manner, that it is, or that it conducts, a university or an extension university; unless and until respondent shall insert and use also the words "a correspondence institution," or the words "an institution for correspondence students," in immediate conjunction with its title, corporate name, or other designation, and in letters equally legible and conspicuous with said title, corporate name, or other designation, used on textbooks, pamphlets, stationery, letter heads, advertising matter, or otherwise.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, Secretary.

[F. R. Doc. 38-1452; Filed, May 23, 1938; 1:29 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 16th day of May, A. D. 1938.

Commissioners: Garland S. Ferguson, Jr., Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3104]

*IN THE MATTER OF COLONIAL DAMES, INC., AND COLONIAL DAMES COMPANY, LTD., CORPORATIONS*

*ORDER TO CEASE AND DESIST*

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the answer of respondents thereto, and the agreed stipulation as to the facts entered into between the respondents herein, Colonial Dames, Inc., and Colonial Dames Company, Ltd., and W. T. Kelley, Chief Counsel of the Commission, which stipulation provides that the statement of facts contained therein may be taken as the facts in this proceeding in connection with any further testimony in support of the charges stated in the complaint or in opposition thereto, and that the Commission may proceed upon said stipulation of facts and other evidence to be or which may be taken hereafter to make its report, stating its findings as to the facts (including inferences which it may reasonably draw from the said stipulated



facts) and its conclusion based thereon, and to enter its order disposing of the proceeding without the presentation of argument or the filing of briefs, the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the said respondents, Colonial Dames, Inc., and Colonial Dames Company, Ltd., corporations, their officers, servants, employees, or agents individual or corporate, in connection with the advertising, describing, offering for sale and sale in interstate commerce or in the District of Columbia of preparations used or to be used in the care, treatment, and beautification of the skin, do forthwith cease and desist from:

(1) Representing that Colonial Dames Massage Cream is a skin rejuvenator, a skin food;

(2) Representing that the chief benefits derived from the use of Colonial Dames Massage Cream are due to the action of its ingredients rather than to massage;

(3) Representing that Colonial Dames Massage Cream banishes all traces of dryness or sluggishness, increases the circulation of fresh pure blood to every finest cell or tissue of the skin, thereby rebuilding and youthifying from within; reestablishes a normal circulation and drives directly at the cause of all beauty imperfections, and rids the skin of those enemies; reactivates or rejuvenates the tissues from within; stimulates cell structure and brings a surge of rich red blood to supply needed nourishment and purge out toxic impurities; or cures and prevents faulty skin texture and actually builds beauty into the skin;

(4) Representing that the effect of Colonial Dames Beauty Wash upon the skin is that of a bleach and not merely a cleansing agency;

(5) Representing that according to the weight of scientific authority Colonial Dames Beauty Wash banishes stubborn blackheads and tones sallow skins

(6) Representing that Colonial Dames Beautifier prevents pore clogging and actually builds beauty into the skin; that it acts on a different principle from most cosmetics; and from making other representations of similar tenor or import or any other or further representations concerning the efficacy and usefulness of respondents' said preparations in the care, treatment, and beautification of the skin unless and until said representations are true in fact;

(7) Using the words "Colonial Dames" in their respective corporate names, in identifying and describing the business conducted by them and in describing their said preparations in advertisements, newspapers, pamphlets, books, circulars, and radio broadcasts, or through any other means or device or in any other manner, without clearly and conspicuously adding in immediate connection or conjunction therewith the words: "Not connected with any society."

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1456; Filed, May 24, 1938; 12:13 p. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

ADMINISTRATIVE ORDER NO. 250

ALLOCATION OF FUNDS FOR LOANS

MAY 20, 1938.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, I hereby allocate, from the sums authorized by said Act, funds for

loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	Amount
Colorado 8015W1 Morgan	\$5,600
Illinois 8028W1 Champaign	3,000
Indiana 8092W1 Jackson	3,000
Iowa 8005W1 Carroll	1,000
Kansas 8022W1 Doniphan	7,500
Kentucky 8021W1 Nelson	5,000
Minnesota 8055W1 Watonwan	3,400
Missouri 8030W1 Lawrence	5,000
Montana 8013W1 Flathead	8,700
Nebraska 8004W3 Polk	7,500
North Carolina 8021W1 Sampson	13,500
North Carolina 8023W2 Caldwell	14,400
Ohio 8056W1 Lorain	2,000
Ohio 8053W2 Fulton	3,000
Texas 8056W1 Lubbock	5,000

JOHN M. CARLODY, *Administrator*.

[F. R. Doc. 38-1454; Filed, May 24, 1938; 9:34 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

### *United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of May, A. D. 1938.

IN THE MATTER OF PROCEEDING UNDER SEC. 19 (A) (3) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, TO DETERMINE WHETHER GERALD M. LOEB AND GORDON B. CRARY, INDIVIDUALLY AND AS PARTNERS OF E. F. HUTTON & CO., A PARTNERSHIP, AND H. TERRY MORRISON, INDIVIDUALLY, SHOULD BE SUSPENDED OR EXPELLED FROM MEMBERSHIP ON CERTAIN NATIONAL SECURITIES EXCHANGES

### ORDER DISCONTINUING PROCEEDING

This proceeding having heretofore been instituted by order of the Commission entered December 30, 1937, pursuant to Section 19 (a) (3) of the Securities Exchange Act of 1934 to determine whether the respondents herein should be suspended or expelled from certain national securities exchanges of which they were members within the meaning of the Securities Exchange Act of 1934; and

It now appearing to the Commission that respondents Gerald M. Loeb and Gordon B. Crary have resigned from the firm of E. F. Hutton & Co., and that by reason thereof such respondents are not now members of any national securities exchange within the meaning of the Securities Exchange Act of 1934; and

The respondents Gerald M. Loeb and Gordon B. Crary, although denying all the charges made against them in the above-mentioned order, having each represented to the Commission that he proposes, for a period of ten months in the case of Gerald M. Loeb and for a period of eight months in the case of Gordon B. Crary, not to become a member of a national securities exchange, either through membership in his own name or as a partner in a member firm, and not too apply for registration as a broker or dealer, and not to become a partner, officer, director or branch manager of any broker or dealer, registered as such under the Securities Exchange Act of 1934;

*It is therefore ordered*, On the basis of the foregoing facts and representations, that this proceeding be and the same hereby is discontinued as to the respondents Gerald M. Loeb and Gordon B. Crary; and

The Commission having reconsidered the charges made against respondent H. Terry Morrison in the aforesaid order entered December 30, 1937, and having determined to discontinue the proceeding as to him;

*It is therefore ordered*, That this proceeding be and the same hereby is discontinued as to the respondent H. Terry Morrison;



*It is further ordered*, That the record of investigation by the Commission pursuant to order of the Commission entered March 17, 1936, and orders supplementary thereto concerning transactions in the common capital stock of Auburn Automobile Company, insofar as such investigation concerned transactions in such stock, be made a public record available for inspection at the office of the Commission in Washington, D. C.

By the Commission, Healy, C., dissenting as to discontinuance of proceeding against respondent H. Terry Morrison.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1459; Filed, May 24, 1938; 12:31 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of May, A. D. 1938.

[File No. 30-16]

IN THE MATTER OF THE TWIN STATE GAS AND ELECTRIC COMPANY

[Public Utility Holding Company Act of 1935, pursuant to Section 5 (d)]

ORDER OF THE COMMISSION

The Twin State Gas and Electric Company, a registered holding company, having made application, pursuant to Section 5 (d) of the Public Utility Holding Company Act of 1935, for an order declaring that it has ceased to be a holding company; notice and opportunity for hearing on said application having been duly given; the record in this matter having been duly considered; and the Commission having thereupon entered its findings and opinion on such application;

*It is ordered*, That The Twin State Gas and Electric Company has ceased to be, and at this time is not, a holding company. This order shall be effective as of the 21st day of May, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1460; Filed, May 24, 1938; 12:31 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 23rd day of May 1938.

[File No. 1-856]

IN THE MATTER OF CANAL CONSTRUCTION COMPANY CONVERTIBLE PREFERENCE STOCK, NO PAR VALUE  
ORDER DESIGNATING TRIAL EXAMINER

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 (b) promulgated thereunder, having made application to the Commission to strike the No Par Value Convertible Preference Stock of the Canal Construction Company from listing and registration on the Chicago Stock Exchange; and

The Commission having set this matter down for hearing on May 25, 1938 before Henry Fitts, an officer of the Commission; and

It appearing that Henry Fitts will be unable to preside at said hearing;

*It is ordered*, That George Crossland, an officer of the Commission, be and he hereby is designated in this proceeding to administer oaths and affirmations, subpoena wit-

nesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1461; Filed, May 24, 1938; 12:31 p. m.]

Thursday, May 26, 1938

No. 103

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

DELEGATING CERTAIN POWERS TO THE ATTORNEY GENERAL UNDER THE TRADING WITH THE ENEMY ACT

By virtue of and pursuant to the authority vested in me by section 5 (a) of the Trading with the Enemy Act, approved October 6, 1917 (40 Stat. 411, 415), I hereby authorize and direct the Attorney General of the United States to exercise all power and authority conferred upon the President by section 12 of the said act, as amended.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
May 23, 1938.

[No. 7894]

[F. R. Doc. 38-1464; Filed, May 24, 1938; 2:27 p. m.]

EXECUTIVE ORDER

ENLARGING THE HART MOUNTAIN ANTELOPE REFUGE  
OREGON

By virtue of and pursuant to the authority vested in me as President of the United States it is hereby ordered as follows:

1. All private lands acquired or leased by the United States since the issuance of Executive Order No. 7523 of December 21, 1936, establishing the Hart Mountain Antelope Refuge, within the area described in section 2 of that order are hereby included in and made a part of the said refuge.

2. All private lands within the said area hereafter acquired or leased by the United States shall be included in and become a part of the said refuge when so acquired or leased.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
May 23, 1938.

[No. 7895]

[F. R. Doc. 38-1465; Filed, May 24, 1938; 2:27 p. m.]

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49580]

PARROTS—REGULATIONS

IMPORTATIONS OF PRIVATELY OWNED BIRDS OF THE PARROT FAMILY  
REQUIRED TO BE INSPECTED BY PUBLIC HEALTH OFFICERS

*To Collectors of Customs and Others Concerned:*

Pursuant to Executive Order No. 5264 of January 24, 1930, the third paragraph of the regulations published as (1934) T. D. 46846 is amended by changing the period at the end of the second sentence thereof to a comma and adding the following:

but such importations must be inspected and passed by a quarantine officer of the United States Public Health Service before release for entry into the United States.

Appended hereto are a list of ports at which inspection and quarantine facilities of the United States Public Health Service are available for birds of the parrot family imported